



**UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office**

Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231

BC8

BC8

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
-----------------	-------------	----------------------	---------------------

09/211,942 12/15/98 LARSON J 884.078US1

LM01/0823
SCHWEGMAN LUNDBERG WOESSNER & KLUTH
P O BOX 2938
MINNEAPOLIS MN 55402

EXAMINER

MENGISTU, A

ART UNIT	PAPER NUMBER
----------	--------------

2778

2

DATE MAILED:

08/23/00

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No.

09/211,942

Applicant(s)

Jlm A. Larson et al

Examiner

AMARE MENGISTU

Group Art Unit

2778



☐ Responsive to communication(s) filed on _____

☐ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle* 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

Disposition of Claim

☒ Claim(s) 1-15 _____ is/are pending in the applicat

Of the above, claim(s) _____ is/are withdrawn from consideration

☐ Claim(s) _____ is/are allowed.

☒ Claim(s) 1-15 _____ is/are rejected.

☐ Claim(s) _____ is/are objected to.

☐ Claims _____ are subject to restriction or election requirement.

Application Papers

☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on _____ is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☐ All ☐ Some* ☒ None of the CERTIFIED copies of the priority documents have been
☐ received.

☐ received in Application No. (Series Code/Serial Number) _____

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

☒ Notice of References Cited, PTO-892

☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). _____

☐ Interview Summary, PTO-413

☐ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

— SEE OFFICE ACTION ON THE FOLLOWING PAGES —

Art Unit: 2778

DETAILED ACTION

Claim Rejections - 35 U.S.C. § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-3 are rejected under 35 U.S.C. 103(a) as being unpatentable over Armbruster (3,376,551).

As to claims 1,3, Armbruster discloses a stylus having a microphone (fig.29 (205-206)); a transmitter (209) for transmitting voice signals to an external device (see, col.35, lines 9 - col. 36, lines 19). Armbruster has failed to teach a switch circuit for activating a transmitter. However, one skill in the art would have recognized that the device of Armbruster would have to have a switch in order to transmit the voice signal from the microphone.

3. Claims 4-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Berkson et al (5,627,348) in view of Armbruster (3,376,551).

As to claims 2, 4-15, Berkson discloses a stylus to be used in a personal digital assistant system (see, fig.1). Berkson also teaches that it is well known for PDA system to have a wireless stylus which can be used in touch screen (pressure sensitive) (col.1, lines 50-64). It is also Obvious for a wireless stylus to have power supply located in the stylus. Berkson did not disclose

Art Unit: 2778

the stylus having a microphone and a transmitter. However, the patent to Armbuster discloses a stylus having a microphone (fig.29 (205-206)); a transmitter (209) for transmitting voice signals to an external device (see, col.8, lines 9-43, col.35, lines 9 - col. 36, lines 19). Armburst has failed to teach a switch circuit for activating a transmitter. However, one skill in the art would have recognized that the device of Armburster would have to have a switch in order to transmit the voice signal from the microphone.

Therefore, it would have been obvious to one skill in the art at the time of the invention was made to have motivated to incorporate Armburster's microphone into the device of Berkson's because this will allow Berkson's device to receive a voice signals and writing the signals to generate a way of teaching language.

4. *Any inquiry concerning this communication should be directed to Amare Mengistu at telephone number (703) 305-4880.*

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

Washington, D.C. 20231

or faxed to:

(703) 308-9051, (for formal communications intended for entry)

Or:

Art Unit: 2778

(703) 308-6606 (for informal or draft communications, please label

"PROPOSED" or "DRAFT")


Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive,

Arlington. VA., Sixth Floor (Receptionist).

A. Mengistu

Art unit 2778

August 11, 2000


Amare Mengistu
Primary Examiner